

*Claim 3*  
*Cont'd*

34. (Amended) The process according to Claim 27 wherein the stabilizing agent comprises a source of one or more metal ions.
35. (Amended) The process according to Claim 34 wherein the one or more metal ions comprise an electron configuration such that the one or more metal ions are at their most stable oxidation state.
36. (Amended) The process according to Claim 34 wherein the one or more metal ions comprise a transition metal ion.
37. (Amended) The process according to Claim 36 wherein the transition metal ion is selected from the group consisting of: Ni(II), Co(II), Pd(II), Pt(II), Sn(IV), Pb(II), Hg(II) and mixtures thereof.
38. (Amended) The process according to Claim 34 wherein the one or metal ions comprise a lanthanide metal ion.
39. (Amended) The process according to Claim 38 wherein the lanthanide metal ion is selected from the group consisting of: La(III), Ce(IV), Gd(III) and mixtures thereof.
40. (Amended) A process for dyeing a textile comprising contacting the textile with a bleach stable sulfur dye made by the process according to Claim 27.
41. (Amended) A dyed textile made by the process according to Claim 40.

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REMARKS

Claims 1-43 are pending in the present application. No additional claims fee is due.

Claims 11-15, 18-24, and 26-41 have been amended to correct inadvertent typographical errors. Specifically, Claims 18 and 27 have been amended to replace the term "comprises" with "comprising". Claims 11-15, 19-26, and 28-41 have been amended to correctly recite the dependencies of the claims.

A "Version With Markings Showing Changes Made" is attached. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Restriction Requirement

The Office Action requires restriction to one of Groups I-VI, as set forth in the Office Action. Applicant respectfully traverses the restriction requirement, as set forth below. In the event the restriction requirement is made final, Applicant provisionally elects Group I: "Claims 1-9, drawn to a composition classified in class 8 or 423 or 510...."

Applicant respectfully traverses the restriction requirement as the Office Action fails to set forth either of the criteria necessary for a proper restriction. MPEP §803.01 sets forth the following two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent...or distinct as claimed...; and
- (B) There must be a serious burden on the examiner...."

The Office Action asserts that the Inventions of Groups I and I, III, IV, V or VI are distinct because "the product can be used in any of the four processes claimed and the metal composition can also be used in a process for forming alloys." Prevention of oxidation of sulfur dyes is not the kind of problem that generally arises in the process of forming alloys. It is therefore submitted that the Office Action is in error in alleging that Applicant's composition of Group I would be useful for purposes other than inhibiting and/or reducing the oxidation of a sulfur dye.

The Office Action further asserts that the inventions "have acquired a separate status in the art as shown by their different classification." However, the classifications cited to support restriction are merely for cataloging purposes and are not conclusive of the propriety of restriction. Despite the different classification of the inventions, it is submitted that prosecution of claims from all six groups in a single application should be permitted, and would indeed be quite appropriate. Although other inventive features may exist, at least one inventive concept is involved in all six groups; namely, the modification of a sulfur dye to inhibit/reduce its oxidation. Consequently, it is submitted that with respect to this

inventive feature, the groups of claims are so closely related that a search of one group will involve substantial overlap of subject matter pertinent to certain patentable aspects of the other groups. Rather than avoiding a serious burden by issuing the present restriction requirement, the Office Action is creating a serious burden on the Patent Office by unnecessary duplication of searching effort. An important advantage to pursuing just one application is that the examination work of the Patent Office would thereby be simplified in as much as duplication of much of the searching effort would be eliminated. By avoiding such duplication of search effort, both the Patent Office and the Applicant would save time and expense.

In view of the foregoing, Applicant respectfully requests that the restriction requirement be withdrawn upon reconsideration, and allow all Claims 1-43 to be prosecuted in the same application.

Election of Species Requirement

The Office Action asserts Claim 8 is generic, and requires Applicant to elect a single disclosed species for prosecution on the merits. In the event the election of species requirement is made final, Applicant provisionally elects, with traverse, the following species: fabric softening agents. The claim being readable thereon is Claim 8.

Applicant respectfully traverses the election of species requirement, as the Office Action has failed to set forth either of the criteria necessary for a proper election of species. As discussed above, MPEP §803.01 sets forth two criteria for a proper requirement for restriction between patentably distinct inventions. The Office Action has failed to satisfy criteria (A), in that the Office Action has not given reasons for the contention that the application contains claims directed to patentably distinct species under 35 USC §121, as required by MPEP §816. MPEP §816 states:

"...A mere statement or conclusion is inadequate. The reasons upon which the conclusion is based should be given."

The Office Action merely states:

"If Applicant elects Group I the following species requirement is required:

This application contains claims directed to the following patentably distinct species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 8 is generic."

Such a statement is inadequate as the Office Action has provided no reasoning for concluding the inventions as claimed are patentably distinct. Nor has the Office Action made any statements as to the "independence" of the claimed inventions.

In view of the foregoing, the Office Action has failed to set forth a proper election of species requirement. Accordingly, it is respectfully requested that the election of species requirement be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the restriction and election of species requirements.

Applicant has made an earnest effort to place the application in proper form. In view of the foregoing, Applicant respectfully requests reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-43.

Respectfully submitted,  
Jiping Wang

By   
Brahm J. Corstanje  
Attorney for Applicant  
Registration No. 34,804  
(513) 627-7533

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Customer No. 27752

Version With Markings Showing Changes Made**In the Claims:**

11. (Amended) The method according to Claim 13-10 wherein the sulfur dye-containing fabric in need of treatment is contacted with the composition prior to washing the sulfur dye-containing fabric.
12. (Amended) The method according to Claim 13-10 wherein the sulfur dye-containing fabric in need of treatment is contacted with the composition during the washing cycle of a conventional wash comprising the sulfur dye-containing fabric.
13. (Amended) The method according to Claim 13-10 wherein the sulfur dye-containing fabric in need of treatment is contacted with the composition during the rinsing cycle of a conventional wash comprising the sulfur dye-containing fabric.
14. (Amended) The method according to Claim 13-10 wherein the sulfur dye-containing fabric in need of treatment is contacted with the composition after washing the sulfur dye-containing fabric.
15. (Amended) The method according to Claim 13-10 wherein the sulfur dye-containing fabric in need of treatment is contacted with the composition during dyeing, after treatment and/or during finishing of the sulfur dye-containing fabric.
18. (Amended) A process for making bleach stable sulfur dyes comprises comprising the step of: modifying a sulfur dye in need of modification such that the modified sulfur dye exhibits increased bleach stability as compared to the unmodified sulfur dye.
19. (Amended) The process according to Claim 24-18 wherein the step of modifying the sulfur dye in need of modification comprises reacting the sulfur dye with a source of one or more metal ions.
20. (Amended) The process according to Claim 22-19 wherein the one or more metal ions comprise an electron configuration such that the one or more metal ions are at their most stable oxidation state.

21. (Amended) The process according to Claim 22-19 wherein the one or more metal ions comprise a transition metal ion.

22. (Amended) The process according to Claim 24-21 wherein the transition metal ion is selected from the group consisting of: Ni(II), Co(II), Pd(II), Pt(II), Sn(IV), Pb(II), Hg(II) and mixtures thereof.

23. (Amended) The process according to Claim 22-19 wherein the one or more metal ions comprise a lanthanide metal ion.

24. (Amended) The process according to Claim 26-23 wherein the lanthanide metal ion is selected from the group consisting of: La(III), Ce(IV), Gd(III) and mixtures thereof.

26. (Amended) A dyed textile made by the process according to Claim 2825.

27. (Amended) A process for making bleach stable sulfur dyes comprises comprising the steps of:

- a. making a sulfur dye by reacting one or more organic compounds with a sulfur-containing compound to form the sulfur dye; and
- b. reacting the sulfur dye with a stabilizing agent such that the sulfur dye exhibits increased bleach stability as compared to the sulfur dye in the absence of such a stabilizing agent.

28. (Amended) The process according to Claim 30-28 wherein the one or more organic compounds comprises one or more organic aromatic compounds.

29. (Amended) The process according to Claim 31-27 wherein one or more organic aromatic compounds is selected from the group consisting of aromatic amines, phenols, or nitro compounds and mixtures thereof.

30. (Amended) The process according to Claim 31-28 wherein the one or more organic aromatic compound produce a color selected from the group consisting of: black, brown, yellow, orange, red, blue, green and shades thereof and mixtures thereof.

31. (Amended) The process according to Claim 30-27 wherein the step of making the sulfur dye comprises melting or boiling the one or more organic compounds with the sulfur-containing compound.
32. (Amended) The process according to Claim 30-27 wherein the sulfur-containing compound comprises a bond selected from the group consisting of sulfide bonds, disulfide bonds, multi-sulfide bonds and mixtures thereof.
33. (Amended) The process according to Claim 35-32 wherein the sulfur-containing compound comprises a disulfide bond.
34. (Amended) The process according to Claim 30-27 wherein the stabilizing agent comprises a source of one or more metal ions.
35. (Amended) The process according to Claim 37-34 wherein the one or more metal ions comprise an electron configuration such that the one or more metal ions are at their most stable oxidation state.
36. (Amended) The process according to Claim 37-34 wherein the one or more metal ions comprise a transition metal ion.
37. (Amended) The process according to Claim 39-36 wherein the transition metal ion is selected from the group consisting of: Ni(II), Co(II), Pd(II), Pt(II), Sn(IV), Pb(II), Hg(II) and mixtures thereof.
38. (Amended) The process according to Claim 37-34 wherein the one or more metal ions comprise a lanthanide metal ion.
39. (Amended) The process according to Claim 41-38 wherein the lanthanide metal ion is selected from the group consisting of: La(III), Ce(IV), Gd(III) and mixtures thereof.
40. (Amended) A process for dyeing a textile comprising contacting the textile with a bleach stable sulfur dye made by the process according to Claim 3027.
41. (Amended) A dyed textile made by the process according to Claim 4340.